

**RECEIVED**

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
219 SOUTH DEARBORN STREET  
CHICAGO, ILLINOIS 60604

JAN 07 2008 *aw*  
Jan 7, 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

GEORGE TOLBERT,  
Plaintiff,

V.

PHILIP J. CLINE, Superintendent of  
the Chicago Police Department,  
Police Officer KIZZIAH, #7304, individually,  
and as police Officer, Chicago Police Department,  
Police Officer YOUNG, #9302, individually, and as  
police officer, Chicago Police Department,  
SGT. RIGGIO, individually and as police Officer,  
Chicago Police Department, Det. DANIEL F. VARALLO, #20878,  
individually and as Police Officer, Chicago Police  
Department, P.O. F. JANTKE, #6642, P.O. C. STREFF, #18442,  
jointly or severally, et al.,  
Defendants.

**08CV0118**  
**JUDGE ST.EVE**  
**MAG.JUDGE VALDEZ**

JURY DEMAND

CIVIL RIGHTS COMPLAINT  
False arrest, false detention  
and Malicious prosecution,  
Fourth, Fifth, and Fourteenth  
Amendment violation, deliber-  
ate indifference, conspiracy.

1. This is a civil action seeking damages against defendant for committing acts under color of law, and depriving plaintiff of rights secured by the Constitution and laws of the United States. Defendants, while acting in their capacities as police officers in the City of CHICAGO, County of COOK, State of ILLINOIS, deprived plaintiff of his liberty without due process of law, made an unreasonable search and seizure of the property of plaintiff, and deprived plaintiff of his property without due process of law, thereby depriving plaintiff of his rights, privileges and immunities as guaranteed by the Fourth, Fifth, and Fourteenth Amendments to the Constitution of the United States. The Court has jurisdiction of this action under 42 U.S.C. 1983 and under 28 U.S.C. 1343.

2. The jurisdiction of this Court is further invoked pursuant to 28 U.S.C. 1331.

3. Plaintiff GEORGE TOLBERT is a citizen and resident of the State of ILLINOIS and a citizen of the United States.

4. Defendants P.O. KIZZIAH, Badge Number 7304, and P.O. YOUNG, Badge Number 9302, and P.O. F. JANTKE, Badge Number 6642, and P.O. C. STREFF, Badge Number 18442, were, at all times material to this Complaint, duly appointed police officers of the City of CHICAGO, assigned to District(s) 36th, HALSTED and ADDISON, and the BELMONT & WESTERN, 019 of the CHICAGO Police Department. At all times material to this Complaint, these defendants acted toward plaintiff under color of the statutes, ordinances, customs, and usage of the State of ILLINOIS, City of CHICAGO, and the CHICAGO Police Department.

5. Other Police officers participating/and acting in furtherance of this jointly undertaking activity against plaintiff were at all times material to this complaint, duly appointed police officers of the City of CHICAGO. At all times material to this Complaint, these defendants acted toward plaintiff under color of the statutes, ordinances, customs and usage of the State of ILLINOS, City of CHICAGO, and the CHICAGO Police Department, SAMUEL MUNIZ, #15510, Fingerprint Technician.

6. Plaintiff sues all defendants in their individual capacities.

COUNT I

1-6. Plaintiff alleges and realleges paragraphs 1 through 6 as paragraphs

1 through 6 of this Count, with the same force and effect as if as if fully set forth herein.

Defendant Officer's Kizziah and Young Conspired to False Imprisonment Federal

7. On the evening of March 17, 2006, at approximately 1848 hours (6:43pm), plaintiff Tolbert was returning back to St. Joseph Hospital's ambulatory entrance in the City of Chicago, and was obeying all applicable laws of the City of Chicago and was returning to the hospital using the same route taking a short cut through a very well lit and very wide alley leading from Pine Grove st., to Sheridan Road st., and Surf st. Plaintiff first picked up about 20 or 25 loose discarded keys that was scattered on the ground on Pine Grove st. and proceeded to neatly place them on a concrete block under a light.

8. On the evening of March 17, 2006, at approximately 6:48 pm, defendant P.O. Kizziah, dressed in police uniform and sitting in marked squad car stopped plaintiff and asked did plaintiff live around here and that this is a private alley. Plaintiff had violated no law, and defendant(s) had seen no probable cause that plaintiff had committed an offense nor did defendant Kizziah have any justification or authority whatever for racially profiling plaintiff who happened to be the only black walking through this alley.

9. Plaintiff stated to defendant P.O. Kizziah that he was just returning back to hospital visiting 96 year old relative and made a store run, and also found these loose keys scattered along the side walk. At no time before during this interrogation and and subsequent search of plaintiff did defendant Kizziah see or find any evidence or probable cause that plaintiff had committed any offense against the laws of the State of Illinois or the City of Chicago.

10. Defendant Kizziah subsequently radioed for other police officers after he placed plaintiff in handcuffs and placed plaintiff in squad car and drove plaintiff to corner of Pine Grove St. where as defendant P.O. Young arrived on the scene along with three or four other police squad cars plus a Sgt. of these officers, while plaintiff continued to sit for several hours handcuffed in this police car and defendants refused to inform plaintiff of reasons for this detention. Plaintiff Tolbert was released afterwards by these defendant officers after a name check of plaintiff via Zone 2 radio that revealed that plaintiff Tolbert was on Parole Status for burglary but was clean and clear of anything pending against him and was not observe committing any offense at the current time and was free to leave the area by approving orders of the defendant(s) Kizziah and Young's Sgt. The keys did not unlock any doors.

11. Defendant Kizziah stated that he later contacted the building manager/engineer of the buildings where allegedly several burglaries had taken place on undisclosed dates. Plaintiff was released from this police detention at 8:55 pm. building manager/engineer ~~was~~ examined the keys on March 17, 2006, at 2230 hours (10:30pm) and stated to defendant police officer's that keys were no longer in use but formerly was a master set that went to buildings located at 430-436 W. Diversey where there had recently been several allege burglaries where as the defendants written up the allege M.O. was Unlawful Entry.

12. The defendants never stated that to plaintiff while he was in their temporary custody nor did the defendants take plaintiff to police station for further investigation concerning the keys:

After defendant officers Kizziah and Young knew that plaintiff Tolbert was currently on parole status the defendants conspired with other officers to write up several different Reports such as LOST AND FOUND REPORT, which was approved by SGT Matijevich stating keys were a Master Set from buildings 430-436 and that the defendants reason for stopping plaintiff on March 17, 2006 was because defendants observed plaintiff looking into open garages, and

that defendant officers were familiar with a series of garage burglaries in the specific 400 block of Surf street. also the defendants written INFORMATION REPORT Event #06076-16435 Dated March 17, 2006, at 1848pm and approved by Reviewing Watch Commander Captain stating that plaintiff used these allege keys in such a manner as to conceal his actions of unlocking and locking doors to allegedly burglarize apartments behind him. The allege predicate sifted from garage burglaries to residential burglaries against plaintiff when defendant officers became aware that plaintiff was on parole status for residential burglary.

13. Plaintiff Tolbert was never identified by any allege victims, tenants, or building manager/engineer as being on the property of these buildings during the commission of these allege burglaries or soon thereafter and no information was stated or set forth that lead the defendant officers to believe that plaintiff committed any of these allege offenses or the one that defendant officers conspired to subsequently charge plaintiff Tolbert with on May 9, 2006 by creating a fingerprint and using as circumstantial evidence against plaintiff.

14. Defendant officers Kizziah and Young submitted their supplementary report and information report to defendant Sgt. Riggio who requested defendant Det. Varallo to submit plaintiff Tolbert's name on a latent fingerprint exam against allege print(s) inventoried under RD #HM152429 in which allege prints lifted was a fingerprint and palmprint impressed on an allege jar of change that was allegedly removed from the victims bedroom to the living room.

15. Supposedly on April 17, 2006 defendants command was allegedly notified by the latent unit that the open fingerprint on this case was allegedly positively identified as GEORGE TOLBERT's. Plaintiffs number 8 finger, the left middle finger was identified, and that the palmprint was not his print and print examiner did not know whose palmprint belonged to or did the defendant Detectives order anyone else to give prints for comparing to the palmprints or for elimination process, plaintiff Tolbert continues to be racially profiled all throughout this allege case because plaintiff is the only black connected as suspect or mere suspicion where as everyone else such as allege victim who is Asian, building manager/engineer is a foriegn as well as his assistant who both has their own set of Master keys to these buildings. Their fingerprints or palmprints were never considered by defendant police or defendant Detectives to be compared to any of these allege burglaries neither was building manger/engineer and his assistant was never under suspicion even before the March 17, 2006 of defendant police stop of plaintiff.

Plaintiff Tolbert contends that defendant officers and defendant detectives acting in furtherance of this jointly undertaking activity against plaintiff based their mere suspicions on plaintiffs allege background and prior convictions and not actual evidence. An arrestee has a constitutional right to be free from detention where the circumstances and facts under police consideration demonstrates that police clearly lacked probable cause to make an arrest, and should have known that the imprisonment of arrested person may or might would constitute an unlawful arrest imprisonment under Section 1983 in violation of the Fourteenth Amendment. Cannon v. Macon County, 1F.3d 1562-63.

Plaintiff Tolbert further contends that the above defendants of the Chicago Police Department acting infurtherance of this jointly undertaking activity reasonably foreseen that their basis of knowledge or information would rise to a violation of plaintiffs Fourth, Fifth and Fourteenth Amendment rights if detained in police custody.

Plaintiff Tolbert states that defendants knowingly violated plaintiffs constitutional rights with the subsequently manufacturing of false circumstantial evidence an allege fingerprint. Plaintiff Tolbert also states that if allege fingerprint was compatible with his print a warrant would have immediately went into circulation for the arrest of plaintiff. Plaintiff further states that at no time on dates of January 29, 2006 thru May 9, 2006 were there any type of warrant circulating for plaintiff's arrest. Plaintiff further also states that the main print a palmprint in this case were never further investigated by the defendant police at anytime after plaintiff's palmprints were eliminated.

COUNT II  
STATE VIOLATION PENDING FALSE ARREST FALSE IMPRISONMENT  
ARTICLE I, SECTION 6

FACTS

1-9. Plaintiff alleges and realleges Paragraph 1 through 9 of Count I as paragraphs 1 through 9 of this Count with the same force and effect as if fully set forth herein.

10. By means of the above defendant's callous disregard and deliberate indifference of plaintiff's rights on May 9, 2006 plaintiff was place under arrest for an investigative alert by above defendant officers, F. Jantke, and C. Streff of the Chicago Police Department depriving plaintiff of his liberty without due process of law, in violation of the Fifth, and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. 1983 as plaintiff exited a public establishment and committed no offense.

11. Plaintiff contends that an officer Det. J. Delia, #20736 knowingly forged the signature of allege victim Hyun Choi twice on lines for complaint signature almost four months after allege date of an allege residential burglary that defendants charged plaintiff with which the complaint stated that on January 29, 2006 plaintiff knowingly and without aurtthorization entered the dwelling place of Hynu Choi located at 438 West Diversey Apt. 2B with the intent to commit a felony or theft therein.

12. Plaintiff was never seen at anytime entering or exiting the above address at no time during the commission of this offense or immediately thereafter.

13. on January 29, 2006 when the initial 911 call was phone in by the allege victim, an officer, John P. Aguinaga #8576 stated to victim that he was sending an evidence technician, (fingerprint) who determined after his investigation on above date that the M.O. was Forcible Entry, and not perpetrator concealing his actions, desk Sgt. Norbert Holzinger #2215 approved the above.

Plaintiff Tolbert is charged with offense with two different allege M.O.'s blanketed under allegedly using keys to unlock and lock doors in such a manner as to conceal his actions. The allege Master Set of keys did not unlock any doors to the above address as stated by the building engineer/manager.

14. Plaintiff Tolbert also contends that these above defendants based their mere suspicions on plaintiff when a certain detective learned that plaintiff was stopped in the area and detained by police on March 17, 2006, this detective knew plaintiff from 1999. In MARX v. GUMBINNER, 905 F.2d 1503, 1505(11th Cir. 1990) states that a warrantless arrest without probable cause violates the Fourth Amendment and forms a basis for a Section 1983 claim. The Marx Court also states that the only time probable cause to arrest exist

if the facts and circumstances within the officers knowledge, of which he has reasonable trustworthy information, which would cause a prudent person to believe, under the circumstances shown, that the suspect has committed or is committing an offense.

15. Plaintiff contends that defendant P.O. Kizziah's information to fellow officers portrayed a different action concerning his contact of plaintiff in alley on March 17, 2006 in which plaintiff was not taken to police station for further investigation or placed under arrest based on an allege fingerprint that was allegedly taken by defendant evidence technician on January 29, 2006. Officer's knew subsequently who they wanted to close the above stated case with after plaintiffs March 17, 2006 encounter with their fellow defendant officer, because plaintiff Tolbert further contends that defendant officer's involved in the March 17, 2006 incident was of the reasonable, prudent, and trustworthiness and knew a crime had not been committed by plaintiff, and their final conclusion was no probable cause existed to take plaintiff to the police station for further questioning or further investigation(s), and defendant officers with the approval of their command Sgt. and after making radio call to the police station and case/incident reviewed by Reviewing Watch Commander, Captain gave the defendant officers order to release plaintiff with the writing of a Contact Card that officers came in contact with plaintiff and plaintiff was free to leave. That incident determined by defendant Kizziah's fellow superior officers lacked essential elements that would lead officers to believe probable cause for further questioning, interrogation, and/or arrest existed. HILL v. CLIFTON, 74 F.3d 1150, 1152 (11th Cir. 1996) A city maybe held liable, responsible where the policymakers approve a subordinates decision and basis for it, see also MONELL v. DEPARMENT OF SOCIAL SERVICES, 436 U.S. 658, 690 n. 55, 98 S.Ct. 2018, 2035 n. 55, 56 L.Ed.2d 611 (1978). Plaintiff states that the defendant officers Kizziah and Young subsequent written supplemental reports and information reports stated that defendants had first hand personal eyewitness accounts that plaintiff possessed those allege keys all along and used those keys prior to March 17, 2006 to lock and unlock doors in such a manner as to conceal his actions, and their reports were approved by a Sgt. Matijevich was one of the officers called on the scene by defendant officer Kizziah on March 17, 2006, which later led to other defendants acting in furtherance in collusion to conspire to manufacture an allege fingerprint as circumstantial evidence against plaintiff.

### COUNT III

#### STATE CLAIM MALICIOUS PROSECUTION

1-15 Plaintiff alleges and realleges Paragraphs 1 through 15 of Count I as Paragraphs 1 through 15 of this Count, with the same force and effect as if fully set forth herein.

16. As a result of the malicious charge placed against plaintiff by defendants Kizziah and Young, written reports, Plaintiff also contends, and was arrested by defendant officers Jantke and Streff on May 9, 2006. plaintiff states that a Det. J. Delia #20736 went before the grand jury on May 23, 2006 and testified in Tandem of allege victim and based his his testimony upon pure presumption, manufactured circumstantial evidence, and hearsay that plaintiff committed this allege offense on January 29, 2006. This was the only testimony submitted before the grand jury concerning plaintiff with no allege evidence of an allege fingerprint submitted whatsoever. The state sought to indict plaintiff and by-pass a preliminary hearing in which plaintiff could not come face-to-face with his accusers

or cross-examine them or impeach them a violation of plaintiffs and/or an accused due process and equal protection of the law.

COUNT IV

FEDERAL MALICIOUS PROSECUTION CLAIM

Plaintiff Tolbert contends that after the defendants allege comparison of allege open fingerprint lifted from allege jar of change and positively allegedly identified as plaintiffs # 8 middle finger and these same defendant officers knew that plaintiff was on MSR/Parole status and a warrant for his arrest for this positive identification ever go into circulation nor was his parole agent ever notified of this print tying plaintiff to an offense the same as he was currently on MSR release for and subsequently denying plaintiff of a preliminary examination granted him under the Federal Rules of Criminal Procedure, 5)c) and this denied him of the right to hear the evidence against within a reasonable time and to cross examine the witness against him violated Rule 5)c) of the Federal Rules of Criminal Procedure and the accused right to a speedy trial as guaranteed by the Sixth Amendment and the Fourteenth Amendment of Due Process Clause of the United States Constitution.

GROUND FOR RELIEF


Plaintiff Tolbert state that the charges caused damages to his life's well-being, and his dignity.

Plaintiff allege permanent damages of future fears of bogus stops by police for trumped up chatges, public embarrassment and public ostricisizing.

RELIEF SOUGHT

WHEREFORE, Plaintiff GEORGE TOLBERT, demands judgment against defendants Kizziah, and Young, and all other defendant officers acting in furtherance of this jointly undertaking activity to conspire in collusion to manufacture false evidence and to subsequently charge and indict plaintiff with the above charge of residential burglary jointly and severally for compensatory damages in the amount of \$400.000 from each defendant named, and further demands judgment against each of said defendant, jointly and severally, for punitive damages in the amount of \$400.000 each defendant plus the cost of this action and such other relif as to this Court seems just, proper, and equitable.

DATED: DECEMBER 26, 2007

  
Plaintiff

1. INCIDENT CLASSIFICATION <input type="checkbox"/> LOST 0070		2. DATE OF OCCURRENCE MAR 06 1846		3. DATE R.D. APPLIED MAR 06 1846		4. BEAT/UNIT ASSIGNED 2333	
5. ADDRESS OF OCCURRENCE 425 W SURF		6. TYPE OF LOCATION/PREMISES WHERE OCCURRED ALLEY		7. LOCATION CODE		8. BEAT OF OCCURRENCE 2333	
9. KIND OF PROPERTY KEYS		10. PROPERTY INVENTORY NO. 10712439		11. MANUFACTURER'S SERIAL NO.		12. VALUE	
13. NAME - <input type="checkbox"/> LOSER <input checked="" type="checkbox"/> FINDER <input type="checkbox"/> REPORTED INCIDENT TOLBERT, GEORGE		14. SEX-RACE-AGE M 140		15. HOME ADDRESS 6317 S. ELLIS		16. APT. NO. HOME PHONE 2 N O N E	
17. OWNER NOTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		18. HOW NOTIFIED IN PERSON		19. NOTIFIED BY WHOM KIZZIAH 7304			
FOR USE BY BUREAU OF INVESTIGATIVE SERVICES (BOXES 50 THROUGH 57)							
50. IUCR OFFENSE CODE <input type="checkbox"/> CORRECT <input type="checkbox"/> REVISED		51. METHOD CODE		52. METHOD ASSIGNED <input type="checkbox"/> FIELD <input type="checkbox"/> ADMIN <input type="checkbox"/> SUMMARY		53. OFFICER ASSIGNED STAR NO.	
54. STATUS <input type="checkbox"/> PROGRESS <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED CLOSED <input type="checkbox"/> CLEARED OPEN <input type="checkbox"/> EXCEPT. CLEARED CLOSED <input type="checkbox"/> EXCEPT. CLEARED OPEN <input type="checkbox"/> CLOSED NON-CRIMINAL		55. INVESTIGATIVE FILE <input type="checkbox"/> YES <input type="checkbox"/> NO		56. IF CASE CLEARED, HOW CLEARED <input type="checkbox"/> ARREST & PROSECUTION <input type="checkbox"/> DIRECTED TO JUVENILE COURT <input type="checkbox"/> COMPLAINT REFUSED TO PROSECUTE <input type="checkbox"/> COMMUNITY ADJUSTMENT <input type="checkbox"/> OTHER EXCEPTIONAL <input type="checkbox"/> ADULT <input type="checkbox"/> JUV.			
59. NARRATIVE (OUTLINE CIRCUMSTANCES, DESCRIBE PROPERTY AND INDICATE TYPE OF OFFENSE POSSIBLY INVOLVED. ALSO GIVE DISPOSITION OF FOUND PROPERTY.)							
<p>EVENT 0607616435 - R/O OBSERVED SUBJECT BOX 12 LOOKING INTO AN OPEN GARAGE DOOR AT BOX LOCATION 5. A FIELD INTERVIEW WAS CONDUCTED AT WHICH TIME SUBJECT WAS OBSERVED THROWING THE KEYS TO THE GROUND IN A ATTEMPT TO CONCEAL THEM. WHEN R/O QUESTIONED SUBJECT ABOUT THIS ACTION SUBJECT STATED "I FOUND THEM KEYS". R/O INVENTORIED KEYS PER GENERAL ORDERS. R/O LEARNED THAT THE KEYS WERE A "MASTER SET" FROM A BUILDING LOCATED AT 430-436 W. DIVERSEY WHERE THERE HAS RECENTLY BEEN SEVERAL BURGLARIES WHERE THE M.O. WAS UNLAWFUL ENTRY. INFORMATION REPORT SUBMITTED.</p>							
60. EXTRA COPIES REQUIRED (NO. & RECIPIENT) <input type="checkbox"/> NORMAL <input checked="" type="checkbox"/> COPY A3PC		61. DATE INVESTIGATION COMPLETED DAY MO. YR. 17 MAR 06 2230		62. SUPERVISOR APPROVING (PRINT NAME) SGT. M. MATIJEVICH		63. STAR NO. 2572	
64. REPORTING OFFICER (PRINT NAME) KIZZIAH		65. STAR NO. 7304		66. REPORTING OFFICER (PRINT NAME) SGT. M.		67. SIGNATURE 17 MAR 06 2310	

(EXHIBIT)--LOST AND FOUND CASE REPORT, Chicago Police--(EXHIBIT)

(EXHIBIT) (EXHIBIT) (EXHIBIT) (EXHIBIT) (EXHIBIT) (EXHIBIT) - A-1



**INFORMATION REPORT/ CHICAGO POLICE DEPARTMENT**INSTRUCTIONS: FORWARD TO FIRST DEPUTY SUPERINTENDENT - BUREAU OF OPERATIONAL SERVICES  
ATTACH COPIES OF RELATED REPORTS AND COMPUTER INQUIRY PRINTOUTS.

DATE

17 March 200

## INFORMATION CONCERNS:

☐ SEX OFFENDER  
(SEE BOX BELOW)☐ ORGANIZED CRIME/NARCOTICS☐ SCHOOL ACTIVITY / DISTURBANCE☐ FUTURE PUBLIC GATHERING/FUTURE LABOR DISPUTE☐ AUTO THEFT☐ STREET GANGS☐ POLICE IMPERSONATOR☐ HUMAN RIGHTS☐ OTHER

## DATE &amp; TIME OF INCIDENT

17 March 2006

1848 Hours

## LOCATION OF INCIDENT

425 W. Surf

(Alley)

SUBJECT	NAME	TOLBERT George R.	A.K.A.	SCARS, TATTOOS, ETC.											
	ADDRESS	6317 S. Ellis #2 Chicago	SEX	M	RACE	1	DATE OF BIRTH DAY-MO.-YEAR	13 Aug 1958	HEIGHT	6'0	WEIGHT	150	HAIR	Blk	EYES
SOCIAL SECURITY NO			DRIVERS LICENSE NO			STATE		IR NO	RELATED CR. NO.		RELATED R. NO.				
336 52 4336			T 416 316 5830			IL		689341			HM 2 8 455				
VEHICLE YEAR		MAKE	BODY STYLE	COLOR	LICENSE PLATE NO		STATE	MO. YR. EXP	VIN NO.						
USED IF ANY		On Foot at Time of Incident													

## SEX OFFENDERS

<input type="checkbox"/> REGISTERED	<input type="checkbox"/> NOT NOTIFIED TO BE NOTIFIED				<input type="checkbox"/> NOTIFIED/ NOT REGISTERED
NOTIFIED TO REGISTER BY - NAME		STAR	UNIT	DATE/TIME	
IS CURRENT ADDRESS SAME AS REGISTERED ADDRESS?		IF NO. WAS LOCAL LAW ENFORCEMENT NOTIFIED OF ADDRESS CHANGE?		WAS SUBJECT CHARGED WITH VIOLATION OF SEX OFFENDER REGISTRATION ACT?	
<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO	
		CHARGES (CH. - PAR)		LEADS NO.	

## NARRATIVE

Event# 06076-16435

In Summary - On the date and time referenced in this report R/O was on patrol duties assigned to Beat 2333 and had occasion to observe the subject referenced in this report walking in the rear alley looking into a open garage door. R/O familiar with a series of burglaries in the area conducted a field interview with the subject based on the subjects activity of looking into the open garage. R/O exited his vehicle to conduct the field interview at which time R/O observed the subject N.K.A. TOLBERT, George, reach into his pocket and discard a ring containing several "Keys", which are used to lock and unlock doors, behind him in such a manner as to conceal his actions. R/O began to question the subject as to his activity in the alley and his reason for looking into the open garage door at which time the subject denied this activity. A protective pat down search of the subject revealed 15 additional security type keys in the subjects front right pocket. R/O having knowledge of several burglaries in the building which was directly behind where the subject was observed, and all of those burglaries being the type of "Unlawful Entry, No Force", R/O asked subject if knew anything about the burglaries and what all the keys were for. The subjects response was that he had just found the keys around the corner and that he wished to turn them over to R/O. A name check of the subject Via Zone 2 radio revealed that the subject was currently on PAROLE STATUS for Burglary. Based on the fact that subject was not observed committing a crime at the current time he was free to leave the area. R/O contacted the building Manager/Engineer of the Buildings where several of the burglaries had taken place and R/O relocated to the managers office at 2756 n. pinegrove so that the Engineer could examine the security keys

that TOLBERT, G had tendered to R/O.

REPORTING MEMBER		STAR NO	UNIT	OPERATIONS COMMAND NOTIFIED? (IF REQUIRED)		PERSON NOTIFIED	DATE/TIME
Kizziah		7304	023	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
REPORTING MEMBER		STAR NO	UNIT				
Young		9302	023				
REVIEWING WATCH COMMANDER / UNIT COMMANDING OFFICER				STAR NO	<input checked="" type="checkbox"/> CONTINUED ON REVERSE SIDE	THIS REPORT HAS	
Capt. B. W. [Signature]				2	4 PAGES		

## FOR USE BY OPERATIONS COMMAND PERSONNEL ONLY

DEP. SUPT., B.T.S.	DEP. SUPT., B.T.S.	DEP. SUPT., B.S.S.	DEP. SUPT., B.A.S.	CHIEF, PATROL DIV.	CHIEF, DETECTIVE DIV.	CHIEF, OR. CRIME DIV.
SPECIAL EVENTS	IAD	LEADS DESK	OTHER (SPECIFY)	116, 630		
MEMBER AUTHORIZING DISTRIBUTION				STAR NO		
[Signature]				12287		

CHICAGO POLICE DEPARTMENT INV NO 10685264

PKG NO 672005



377

10685264

DATE RECOVERED

29-JAN-2006

RD HM152429

RE-INVENTORY OF:

ITEM ID

DESCRIPTION OF PROPERTY

QUANTITY

1

128849

FINGERPRINT(S) : LATENT PRINT FROM CHANGE JAR IN LIVING ROOM. (A)

128850

1 FINGERPRINT(S) : LATENT PRINT FROM CHANGE JAR IN LIVING ROOM. (B)

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

1

DATE RECOVERED

29-JAN-2006

RD HM152429

RE-INVENTORY OF:

DESCRIPTION OF PROPERTY

ITEM ID QUANTITY

124851 1 FINGERPRINTS: SET OF ELIMINATION FINGERPRINTS FROM VICTIM: CHOI, HYUN F-8-23.

Copy of front side of inventory sheet

COMMENTS: EVENT#02910985  
OFFENSE BURGLARY  
VICTIM: CHOI, HYUN F-8-23  
TO UNIT 177 FOR L.P. PROCESSING.

\$ TOTAL CASH U.S.C.

EVIDENCE & RECOVERED PROPERTY SECTION USE ONLY

Court Date  
Court Branch

CURRENCY:

RUCR: 4010 BURGLARY FORCIBLE ENTRY

STATE CHARGES:

RECOVERED/SEIZED FROM - NAME CHOI, HYUN  
DECEASED APPEARED

AT 438 W DIVERSEY PKWY Apt 23  
CHICAGO, IL

BEAT OF RECOVERY  
2338

OWNER'S NAME

ADDRESS

TELEPHONE NO.

FOUND BY - NAME MINIZ, SAMUEL Star: 16610

ADDRESS

TELEPHONE NO.

CHECK #

BE OPEN / CONTINUED TO OTHER

HOLD FOR INVESTIGATION

INVESTIGATING OFFICER - MINIZ, SAMUEL

1st OFFICER'S NAME  
MINIZ, SAMUEL

STAR NO.  
16610

ANALYST EVIDENCE

IF NOT NEEDED FOR INVESTIGATION EVIDENCE, LEAVE BLANK

1st OFFICER'S NAME

STAR NO.

PROPERTY OWNER PICK-UP PURSUANT TO  
NOTICE OF INVENTORY RETURN POLICY

SIGNATURE  
Electronic Approval

UNIT  
377

TO BE DISPOSED OF BY CUSTODIAN (NOT TO BE RETURNED)  
(THIS APPLIES IF PROPERTY IS NOT EVIDENCE, NOT RETURNABLE AND/OR OWNER IS UNKNOWN)

2nd OFFICER'S NAME

STAR NO.

NOTAL DESTINATION OF PROPERTY

FORWARDING SERVICES SECTION

SIGNATURE  
Electronic Approval

UNIT

VIA POLICE MAIL

RECOVERING UNIT PERSONNEL

APPROVING DESK SERGEANT

STAR NO.

DATE

TIME

E I R S PICKUP

EVID LAB TECHNICIAN

HOLDING, NUMBER

STAR NO.

DATE

TIME

Created by: PCON666

COPY 1 - KEEP WITH PROPERTY

Printed by: PCON666 30-JAN-2006 00:2



## FREEDOM OF INFORMATION REQUEST

STATE OF ILLINOIS

(1)

6382

Name of Agency <b>Illinois State Police</b>		City <b>Springfield</b>
Address <b>Freedom of Information Office 500 Iles Park Place, Suite 300</b>		IL 62703
Requestor's Name (Or business name if applicable) <b>George Tolbert</b>		Date of Request <b>11/22/2006</b>
Street Address <b>Post Office Box 089002</b>		Phone Number
City <b>Chicago</b>	State <b>Illinois</b>	Zip <b>60608</b>
CERTIFICATION REQUESTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Requestor's Signature <b>(NOT REQUIRED)</b>

## INSTRUCTIONS:

Requestor should fill out the REQUEST portion (the top half) and sign the Requestor's Signature Block. Send copies 1 and 2 to the Agency. Keep the 3rd copy for reference. Send no money at this time. Unless notified otherwise the Agency's response for APPROVED, DENIED or DEFERRED will be sent back within 7 working days after receipt of the form.

## DESCRIPTION OF RECORDS REQUESTED:

Copies of fingerprint, fingersmear on file allegedly taken from an alleged jar of change from dwelling place of Hyun Choi, on or about January 29, 2006, or thereafter, located at 438 W. Diversey, Apt. 2B in Chicago, IL in which alleged fingersmear is allegedly compatible with George Tolbert. Indictment No. 06CR11714, IR #689341, CPD RD #152429, DOB: 8/13/1958, SSN: 336-52-4336, along with fingerprint technicians signature, date print taken, and evidence tag number.

☒ REQUESTING COPIES☐ TO INSPECT RECORDS

## AGENCY RESPONSE (REQUESTOR DOES NOT FILL IN BELOW THIS LINE)

APPROVED

☐ The documents requested are enclosed.

**The Illinois State Police cannot locate any records regarding this request. We could not locate any case file on George Tolbert.**

☐ The documents will be made available upon payment of copying costs \$ \_\_\_\_\_

☐ You may inspect the records at \_\_\_\_\_  
on the date of \_\_\_\_\_

DENIED

☐ The request creates an undue burden on the public body in accordance with Section 3(f) of the Freedom of Information Act, and we are unable to negotiate a more reasonable request.☐ The materials requested are exempt under Section 7 see below of the Freedom of Information Act for the following reasons:

INDIVIDUAL(S) THAT DETERMINED REQUEST TO BE DENIED

RIGHT TO APPEAL

If desired, submit the attached APPEAL form (No. 2) along with copies of this original REQUEST and DENIAL and reasons for appeal to:

DEFERRED

☐ Request delayed, for the following reasons (in accordance with 3(d) of the FOIA):

You will be notified by the date of \_\_\_\_\_

as to action taken on your request.

The information required by this form is MANDATORY in order to comply with P.A. 83-1013. Failure to so provide may result in this form not being processed. This form is approved by the Forms Management Center.

FOIA Office

Date of Reply

Bridget Darnest

2/15/2007



**Richard M. Daley**  
Mayor

**Department of Police • City of Chicago**  
3510 S. Michigan Avenue • Chicago, Illinois 60653

**Philip J. Cline**  
Superintendent of Police

December 13, 2006

George Tolbert, #2006-0035557  
P.O. Box 089002  
Chicago, IL 60608

**Re: NOTICE OF DENIAL OF PUBLIC RECORDS**  
**REQUEST DATE: October 31, 2006**  
**FOIA FILE NO.: 06-1542**

Dear Mr. Tolbert:

The Chicago Police Department is in receipt of your Freedom of Information Act(FOIA) request for a copy of the fingerprints on file taken from a jar of change from the dwelling of Hyun Chol on or about January 29, 2006 which is located on 438 W. Diversey, Apt. 2B. You also request the evidence tag number with the fingerprint technician's signature.

Your request was reviewed by the undersigned. It was determined that your request must be granted in part and denied in part. It was determined that a copy of the inventory report may be provided but with certain information deleted. The deleted material is specifically exempt from disclosure under the following paragraphs of the Illinois Freedom of Information Act:

5 ILCS 140/7 (1)(b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. Information exempted under this subsection (b) shall include but is not limited to:

(v) information that reveals the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies;

5 ILCS 140/7 (1)(c)Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

(vi) constitute an invasion of personal privacy under subsection (b) of this Section;

However, your request for fingerprints must be denied. This denial is based upon the following paragraphs of the Illinois Freedom of Information Act:

5 ILCS 140/7 (1)(c)Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

- (v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;

5 ILCS 140/7 (d) Criminal history record information maintained by State or local criminal justice agencies.

"Criminal history information" means data identifiable to and individual and consisting of descriptions or notations of arrests, detentions, indictments, information, per-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes."

To the extent that this is a denial of your request, you may file a written appeal of this denial with the Superintendent of Police at the following address:

Superintendent of Police  
Attention: Office of Legal Affairs  
Chicago Police Department  
3510 South Michigan Avenue  
Chicago, Illinois 60653

The redacted report that may be provided is now available. The report may be mailed to you upon receipt of payment in the form of a check or money order for the amount specified below (made payable to the Chicago Department of Revenue), please forward payment to the following address:

Chicago Police Department  
Attention: Freedom of Information  
Records Inquiry and Customer Service Section  
3510 South Michigan Avenue, Room 1027 SE  
Chicago, Illinois 60653

**Please be certain to identify your Freedom of Information file number with your payment.**

Duplication: \$0.25 (1 @ \$.25 per page)  
Postage: \$0.78  
**Total Cost: \$1.03**

Sincerely,



Olivia Medina  
Public Information Officer  
Department of Police  
Records Services Division

CB #: 16629812

TOLBERT, George

## Chicago Police Department - ARREST Report

NO WARRANT IDENTIFIED

Name: CHOI, Hyun

Female

Injured? No

Deceased? No

Asian/Pacific Islander

DOB:

Hospitalized? No

Age: 23

Treated and Released No

Comments:

NO ARRESTEE VEHICLE INFORMATION ENTERED

## Confiscated Properties :

All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.

PROPERTIES INFORMATION FOR TOLBERT, George, NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.

(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)

THIS IS A 019TH DISTRICT BURGLARY MISSION TEAM ARREST. ☐  
 ABOVE ARRESTED FOR INVESTIGATIVE ALERT # 299937344 AFTER INFORMATION FROM DET. MUSCOLINO A/3 P/ WAS PASSED ON TO MEMBERS OF THE MISSION TEAM. SUBJECT WAS SPOTTED EXITING PAWN SHOP LOCATED AT 2626 N. CLARK, NAME CHECK REVEALED ABOVE INVESTIGATIVE ALERT. SUBJECT READ RIGHTS PER MIRANDA AND TRANSPORTED TO 019TH DISTRICT FOR PROCESSING. ☐

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

NO I.D.'S

CLAIMS NO GANG AFFILIATION. ☐

INVESTIGATIVE ALERT # 299937344

**IDOC/ Parole**

773.650.6501

From: Puckett, f, CRW Div. One Ext. 6547

Re: CCDOC Detainee Request

Date: 08/14/06

B2

\*\*\*\*\* PRINT \*\*\*\*\*

Detainee or CRW Request:

Detainee Name: Tolbert, George

CCDOC ID#: 2006 - 0035557

(required) IDOC ID #: B 13301

I NEED A Computer print out of my  
termination on Parole and a Separate  
Computer printout of Warrant(s) against  
me date between 1/29/06 - 5/9/06

IDOC Response:

Completed By: af W Hampton

There NOT any WARRANT Against in IDOC System

**Note:**

When the response is completed, it will be placed in the designated box within the Record's Department. This form will **NOT** be returned via Fax.

It is the responsibility of the assigned CRW to retrieve this completed request from the Record's Department on a timely basis.

8/14/ 6  
13:22:12

07/28/2004

PROJ REL DTE: 07/28/2004 PROJ DISC DTE: 07/28/2006 NEXT DOCKET DTE: 0000

```

--MITT #--- --COMT CNTY-- COURT FIND    SEX OFFENDER REGISTRY REQD:
99CR0378401  COOK      MN MX ---DISC--- SEQ CL CNTS CUST DATE
RESIDENTIAL BURGLARY      B WIL EXP    4  1  1    1 28 99
OFNS DATE: 10 25 98  SENT DATE: 2    5 01  MIN 0012 00 0000  MAX 0012 00 0000  CC
AOIC: 1120000      DISC/REM DATE: 7 28 06
VICTIM < 18:      VICTIM < 12:      TIS:
N WIL EXP    4  1  1    1 28 99
MIN 0012 00 0000  MAX 0012 00 0000  CC
OFNS DATE: 1 6 99  SENT DATE: 2    5 01  DISC/REM DATE: 7 28 06
AOIC: 1120000      VICTIM < 18:      VICTIM < 12:      TIS:
N WIL EXP    4  1  1    1 28 99
MIN 0012 00 0000  MAX 0012 00 0000  CC
OFNS DATE: 1 15 99  SENT DATE: 2    5 01  DISC/REM DATE: 7 28 06
AOIC: 1120000      VICTIM < 18:      VICTIM < 12:      TIS:
NEXT KEY DATA: IDOC #: B13301
PF7: PAGE BACK    PF8: PAGE FWD

```

NEXT KEY DATA: IDOC #: B13301  
PF7: PAGE BACK PF8: PAGE FWD